

In The Matter Of:

BLUE SPIKE, LLC

v.

AUDIBLE MAGIC CORPORATION

YANNIS PAPAKONSTANTINOU, PH.D. - Vol. 1

July 8, 2015

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OUTSIDE COUNSEL EYES ONLY***



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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC)	
)	
Plaintiff)	
)	Case No.
v.)	6:15-cv-584-RWS-CMC
)	
AUDIBLE MAGIC CORPORATION)	
)	
Defendants.)	

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VIDEOTAPED DEPOSITION OF:

YANNIS PAPAKONSTANTINOU, PH.D.

WEDNESDAY, JULY 8, 2015

9:15 A.M.

Reported by: PAULA A. PYBURN

CSR 7304, RPR, CLR (SF-043371)

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1 MR. GARTEISER: Objection. Form. 16:28:49

2 THE WITNESS: And I understand that the 16:28:50

3 MFCCs were also listed in the '223 patent. 16:28:53

4 BY MR. RAMSEY: 16:28:59

5 Q Do you -- do you have any opinions about 16:28:59

6 Muscle Fish's use of MFCCs? Or not? 16:29:02

7 A No. 16:29:07

8 Q Do you -- do you agree -- 16:29:07

9 A Well, if you give me a more precise 16:29:10

10 question. Opinion about what? Because this is the 16:29:13

11 kind of question that I can talk further on, two 16:29:15

12 hours; so if you give me a more precise question, I 16:29:18

13 will -- 16:29:22

14 Q Do you believe that Muscle Fish's feature 16:29:22

15 vectors containing MFCC values anticipate the 16:29:24

16 abstract element of the Blue Spike patents? 16:29:28

17 MR. GARTEISER: Objection. Form. 16:29:32

18 THE WITNESS: No, I don't believe this. 16:29:35

19 'Cause, again, you have -- so you're basically 16:29:40

20 saying take a vector, but not just any vector; 16:29:43

21 put -- take a vector with MFCC, and then, surely 16:29:47

22 enough, you can judge -- you can judge distance 16:29:57

23 based on it. 16:30:02

24 And the proponents of the MFCC said that, 16:30:02

25 hey, this distance is closer to the -- to the human 16:30:05

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1 ear response to frequencies than just counting 16:30:10
2 numbers about frequencies. And that is -- that is 16:30:15
3 true. 16:30:18

4 But then, again, this is mixing aspects 16:30:19
5 that are being discussed in the patents in suit that 16:30:26
6 basically say on the abstract, I'm trying to make a 16:30:30
7 data-reduced -- a data-reduced representation -- and 16:30:33
8 that ties also to the specification quotes that you 16:30:39
9 pointed to me before, the one over 10,000 and so 16:30:42
10 on -- a data-reduced representation, where the goal 16:30:46
11 is to make this abstract in such a way that the 16:30:49
12 identical can be discerned and the different can be 16:30:55
13 differentiated. 16:31:02

14 So, once you get into this, you're 16:31:03
15 basically getting into plenty of -- of other things 16:31:05
16 that you can also -- beyond what SoundFisher had 16:31:11
17 done at that time. 16:31:18

18 THE REPORTER: What SoundFisher what? 16:31:18

19 THE WITNESS: Before -- beyond what 16:31:20
20 SoundFisher had done -- 16:31:21

21 THE REPORTER: At that time? 16:31:21

22 THE WITNESS: -- at that time. 16:31:30

23 BY MR. RAMSEY: 16:31:30

24 Q So do you understand that Scott Moskowitz 16:31:31
25 and Michael Berry are the two named inventors of the 16:31:33